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Summary record of the 181st meeting
Held at the Palais Wilson, Geneva, on Wednesday, 1 April 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of the Czech Republic (continued) (CRPD/C/CZE/1; CRPD/C/CZE/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table.*

Articles 11–20

2. **Ms. Soukupová** (Czech Republic) said that the Ministry of the Interior, the police force, and the fire and rescue service were responsible for coordinating the national response to situations of risk and humanitarian emergencies. They had full access to a disability register containing the names, locations and requirements of persons with disabilities and had received specific training in the measures required to ensure the protection and safety of such persons in an emergency, particularly persons with hearing or visual impairments.

3. **Ms. Brzková** (Czech Republic) said that the use of restraints in the health service was strictly regulated and was monitored by an independent mechanism. Restraints such as straps, belts and net beds could be used to avert a threat to the life, health or safety of the patient or other persons, but their use was restricted to the severest cases. The use of cage beds had been phased out following the entry into force of the amended Health Services Act in 2012.

4. **Ms. Příhonská** (Czech Republic) said that the amended Social Services Act strictly regulated the use of restraints and prohibited the use of cage and net beds in any social service institution. Furthermore, the Government intended to introduce additional safeguards to prevent any abuse of or overreliance on psychotropic medicines, particularly for persons with psychosocial disabilities in residential care.

5. **Ms. Habrnálová** (Czech Republic) said that the new Civil Code of 2014 granted the courts responsibility for determining the legal capacity of persons with disabilities and for appointing guardians, where appropriate. Legal incapacity orders were only valid for three years and must be reviewed at regular intervals. The courts strictly regulated and monitored the responsibilities and duties of legal guardians and provided strong safeguards against any form of abuse or violation of guardianship arrangements. Three different forms of guardianship were currently available: a preliminary declaration of incapacity, decision-making assistance and third-party representation by a family member. Training in the provisions of the new Civil Code had been provided to judges and magistrates and a dedicated website set up for their reference. The Government recognized that further efforts were needed to strengthen the guardianship regulations, and it intended to finalize and adopt new guardianship legislation in the near future.

6. **Ms. Soukupová** (Czech Republic) said that there were around 36,500 persons with disabilities with limited or reduced legal capacity and 36,000 guardians in the Czech Republic.

7. **Ms. Zajarošová** (Czech Republic) said that no statistics were available on the number of cases of human trafficking involving persons with disabilities or the number of cases of domestic violence committed against them. However, the Government worked closely with NGOs to provide support to victims of violent crimes and trafficking, and specific protection measures had been introduced, including removal orders for perpetrators

of domestic violence and temporary care orders for child victims as well as a human trafficking strategy.

8. **Ms. Habrnálová** (Czech Republic) confirmed that the definition of the offence of torture and other cruel, inhuman and degrading treatment in article 149 of the Criminal Code failed to take into account the specific situation of people with disabilities in institutions and did not provide for the criminal liability of legal persons, such as institutions. However, the Government intended to amend the definition of torture and ill-treatment in the article to bring it into line with the provisions of the Convention. In the meantime, victims of torture or ill-treatment in institutions could submit claims for compensation under the Civil Code.

9. **Ms. Brzková** (Czech Republic) said that efforts were under way to strengthen the psychiatric care system and improve the quality of life of persons with psychosocial disabilities. Community-based mental health centres would soon be established across the country, and additional emergency psychiatric care units would be set up within the general hospital system. Guidelines would be provided to psychiatrists and mental health nurses, and public awareness-raising campaigns would be launched to destigmatize mental illness. As to involuntary confinement, patients without legal capacity could only be treated or hospitalized without their consent under specific conditions and with the express approval of a court. In such cases, health service providers must provide regular status reports to the patient's legal guardian and the courts.

10. **Ms. Habrnálová** (Czech Republic) said that new legal provisions had been introduced to govern the placement of persons with disabilities in institutions. The courts must approve the placement within 48 hours, and their decision must be reviewed within one year. The Ministry of Justice had issued a set of guidelines for courts, lawyers and psychiatric institutions on the management of cases of involuntary confinement as well as a leaflet informing patients of their rights.

11. **Ms. Příhonská** (Czech Republic) said that steps had been taken to promote supported decision-making and provide community-based care for persons with psychosocial or intellectual disabilities. Those efforts had, however, not yet been extended to older persons living in institutions, given the strong prevailing cultural tradition of caring for older persons in specialized residential homes.

12. The new Social Services Act provided for additional services and support for persons with disabilities and an expanded nationwide network of community-based social services, including for persons with autism and those with psychosocial disabilities. A new social housing programme would shortly be introduced to enable more persons with disabilities to live independently in the community. The deinstitutionalization of persons with disabilities would require a paradigm shift in the public mindset. The Government remained committed to that goal, and the latest figures showed that the number of persons with disabilities in institutions had decreased by 11 per cent since 2011.

13. **Ms. Mičicová** (Czech Republic) said that an expert working group to consider autism issues comprising representatives of organizations of persons with disabilities, relevant ministries and other government bodies had been established under the Government Committee for Persons with Disabilities in 2014. Its role involved strengthening cooperation between ministries and addressing the difficulties facing persons with autism, such as the lack of suitable community-based social services.

14. **Ms. Brzková** (Czech Republic) said that several safeguards had been put in place to prevent forced sterilization. Sterilizations could only proceed once the patient had reached the age of 18 and had given informed consent. Patients without legal capacity and minors could be sterilized only upon receipt of the written consent of their legal representative, the

approval of an expert commission and the approval of the courts. Sterilizations could not be performed in prisons.

15. The expert commission, whose purpose was to assess whether all the conditions for the sterilization had been met, was appointed by the provider, which was usually a hospital. The patient and his or her legal representative participated in the commission's meeting, the record of which became part of the patient's medical record. The commission produced an expert opinion, which the provider forwarded to the patient's legal representative, subsequently filing the proposal to consent to sterilization with the court. If, owing to a lack of intellectual capacity, the patient was unable to make observations, the provider indicated that fact with the reasons for it in the proposal. An average of 600 to 700 sterilizations for health or other reasons were carried out in the country each year. The Ministry of Human Rights was currently studying the legal issues surrounding the provision of financial compensation to persons who had been subjected to forced sterilization.

16. Castration was also regulated by law and could be performed only on patients who were 25 years or older, had committed a violent sexual offence and were deemed likely to commit such an offence again in the future. Other patients could be castrated only at their written request and with the expert commission's approval. Patients in protective treatment in a psychiatric hospital could be castrated only in prescribed and substantiated cases, at their written request, with the expert commission's approval and at the order of a court. The commission provided the patient with information on the nature of the operation and verified that he had understood it and had submitted his application voluntarily. The surgery could not be performed at a prison's medical facility, nor could it be practiced on patients deprived of legal capacity. There were approximately 20 cases of castration per year in the Czech Republic.

17. **Ms. Příhonská** (Czech Republic) said that a care allowance, whose amount was calculated on the basis of four categories of disability, was paid directly to persons with disabilities. In 2014, some 321,000 persons with disabilities had received allowances totalling approximately 19.5 billion koruny, which represented a 6 per cent increase in relation to the previous year.

18. **Ms. Habrnálová** (Czech Republic) said that prisons and other places of detention provided special treatment, activities and programmes for persons with disabilities. In addition, they met high standards of physical accessibility, and prison staff received appropriate training. A recently published report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had not included any recommendations for improving the treatment of prisoners with disabilities in her country's prisons.

19. With regard to access to courts and judicial proceedings, the Code of Civil Procedure stipulated that courts were required to appoint an interpreter for participants in the proceedings with whom communication was not possible except by means of a communication system for hearing-impaired and blind-deaf persons. Moreover, Act No. 155/1998 provided that the services of such interpreters were free of charge. No complaints had been registered for failure to comply with those provisions. The results of a study conducted in 2010 showed that all courts in the Czech Republic were accessible to persons with disabilities. An annual budget of 10 million koruny had been allocated to improving the accessibility of the courts. Courts located in historic buildings could not always be fully adapted, and some adaptations required prior approval from the historical conservation authorities.

20. Replying to a question asked at the previous meeting, she said that very few complaints of discrimination had been lodged, whether by persons with disabilities or others, because the tendency in the Czech Republic was to bring charges under the Civil

Code or settle out of court. Very few cases had been brought under the Anti-Discrimination Act: four in 2012, nine in 2013 and six in 2014. No statistics were available on the number of discrimination cases concerning persons with disabilities.

21. **Mr. Čulík** (Czech Republic) said that the low number of complaints brought for discrimination could not be attributed to a lack of services to defend people's rights. The Office of the Ombudsman, the anti-discrimination organ of the Czech Republic, received complaints and provided comprehensive advice to persons with disabilities concerning the exercise of their rights. In addition, grants and subsidies were provided to institutions that helped persons, including those with disabilities, to defend their right to non-discrimination before the courts. In the last few years, campaigns had been organized to raise awareness of the options available to persons with disabilities for legally asserting their rights.

22. **Ms. Grabmüllerová** (Czech Republic), replying to a question asked at the previous meeting, said that a number of government subsidy programmes had been set up with the aim of removing barriers in public buildings, and that the Government had issued construction guidelines for barrier-free buildings. At least 10 per cent of the units in any new subsidized residential building with 10 or more units had to meet requirements for barrier-free accommodation. Other subsidy programmes were designed to improve the accessibility of public spaces, such as tourist attractions, as well as related information, for persons with disabilities.

23. **Ms. Savin** (Czech Republic) said that the Ministry of Transport continued to make progress in ensuring the right to equal opportunity for persons with disabilities, in particular through the introduction of advanced technologies for persons with reduced mobility and/or orientation. An action plan to develop an intelligent transport system had been drafted; it would give effect to the new national transport policy and to the related European Union directive. Each mode of public transport in the Czech Republic was subject to the requirements of the corresponding European Union legislation, all of which made provision for persons with reduced mobility and/or orientation. The main source of information on wheelchair transport for persons with reduced mobility was to be found in the public transport timetables, which were available in a version accessible to blind persons and persons with other vision impairments.

Articles 21–33

24. **Ms. Kingston** asked whether the use of straitjackets, mechanical restraints and other physical restraints was considered acceptable in the Czech Republic. She wished to know whether, when women were informed about the risks of sterilization, the issues mentioned included the increased risk of sexual abuse without consequences. She asked what kind of support was given to the parents of children with autism so that the latter could be fully included in their communities, and whether the Government planned to introduce new legislation to ensure accessible and inclusive health care for persons with disabilities.

25. On the subject of access to information, she asked why sign-language interpretation was provided on public television for only 10 minutes a day and why free sign-language courses were not available to all deaf children. Regarding the right to work and employment, she asked why persons with disabilities who were employed had lower wages and pensions than other persons in the Czech Republic. She requested further information on the measures taken to collect disaggregated data and statistics concerning persons with disabilities and on how that information was disseminated. Was it accessible to persons with disabilities, and were the latter ensured full participation in the process of data collection and research?

26. In terms of international cooperation, she wished to know to what extent the Government was committed to the inclusion of persons with disabilities and to the post-

2015 development agenda. With regard to implementation and monitoring, she asked whether the Government intended to make the Office of the Ombudsman the national monitoring mechanism for the Convention, and when the legislative process to confirm that arrangement was expected to be completed.

27. **Ms. Quan-Chang** asked how the State supported persons with disabilities who lived in poverty because they were unemployed, and how much of the 19.5 billion koruny allocated to support for persons with disabilities was transferred directly to such persons, many of whom needed subsidies in order to acquire assistive devices. She requested more information on persons with disabilities who belonged to ethnic minorities, especially the Roma.

28. She was concerned that persons with disabilities in the Czech Republic were still being subjected to guardianship regimes, which prevented them from exercising their civil and political rights, in particular voting rights. What plans did the State party have to annul partial guardianships and to make polling stations and voting information more accessible to persons with disabilities?

29. **Ms. Degener** said that she would welcome further information on measures taken to increase the inclusion of children with disabilities in the education system and on whether the State party defined segregated education as a form of discrimination under articles 5 and 24 of the Convention. How much did the State party spend on making mainstream schools accessible and on personal assistance services for children with disabilities? Did education legislation give children the right to inclusive education?

30. **Mr. Basharu** asked to what extent the media were involved in the State party's awareness-raising campaign about the Convention and disability issues in general. He enquired whether the Government encouraged all media outlets, including providers of information through the Internet, to portray persons with disabilities in a dignified manner that was consistent with the Convention, and to make their services available to such persons. He wished to know what percentage of television information and news programming provided sign-language interpretation for deaf persons and persons with other disabilities in order to allow them to participate fully and effectively in political and public life.

31. **Ms. Peláez Narváez** asked why article 673 of the Civil Code explicitly permitted the restriction of the legal capacity of persons with disabilities with regard to the right to marry. How did the Government consider that provision to be consistent with article 23 of the Convention? She asked how the statement in paragraph 279 of the State party's report, to the effect that disability did not constitute a fact preventing persons with disabilities from engaging in the adoption, foster care or guardianship of a child, was consistent with the Act on Social and Legal Protection of Children, which required an assessment of both the applicant's and the child's state of health. She wondered why persons whose disability was recognized as being of the third degree were not allowed to register with the State employment office, and how such a rule was consistent with article 27 of the Convention.

32. **Mr. Buntan** asked whether the State party planned to legally recognize Braille and sign language to ensure the availability of augmentative and alternative formats, modes and means of communication that were accessible to persons with disabilities. He asked how the State party regarded inclusive education as being different from mainstreaming or integrated education and how it ensured the provision of services to persons with disabilities in keeping with article 24 of the Convention. He would welcome additional information on the endeavours of the State party to promote the participation of persons with disabilities in political and public life, and on the mandate of the ministry that had been chosen as the disability focal point and how it coordinated its activities with those of the other ministries.

33. **Mr. Ruskus** said that, since the system of vocational training and rehabilitation for children with disabilities in the Czech Republic was very specialized and non-inclusive and employment was highly sheltered, children and young people with disabilities were obliged to follow a segregated professional career. What measures did the Government envisage implementing to promote inclusive vocational training and the employment of persons with disabilities in a supported and open labour market?

34. **Mr. Tatić** (Country Rapporteur) asked whether Act No. 231/2001 on the operation of radio and television broadcasting had been amended. He asked what information on health care was made available in accessible formats to deaf persons and persons with intellectual and psychosocial disabilities. Were health-care professionals offered training on the human rights of persons with disabilities? He wished to hear the delegation's views on reports that benefits provided to persons with disabilities had been revised downward, and on the possible adverse and retrogressive effects of those revisions on the rights and living standard of people with disabilities, particularly children. He would appreciate clarification of reports that certain disability pension beneficiaries were at risk of being denied access to a retirement pension. What was being done to enable those persons to receive their pensions?

35. **Mr. Kim** Hyung Shik enquired about the impact of the State party's occupational therapy programmes and wondered whether there was any connection between those programmes and the approximately 200,000 persons with disabilities who could not register as jobseekers. He asked how the quota system for employment of persons with disabilities was enforced, whether the system led to difficulties between persons with disabilities and employers, and whether the authorities planned to lessen their reliance on sheltered workshops. He would welcome information on any measures taken to promote access to the open labour market, evidence of which had not appeared in the State party's report.

36. **The Chairperson**, speaking in her personal capacity, requested further information about the current status of the planned amendment to the Education Act and its approach to such issues as inclusive education, reasonable accommodation, personalized support and teacher training. She asked what steps the Czech Government had taken to implement the Human Rights Committee's recommendation that the Czech Republic should provide the Office of the Ombudsman with a consolidated mandate to more fully promote and protect human rights and ensure that it had adequate financial and human resources, in line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles), especially as the country did not have an independent national mechanism for monitoring violations of the rights of persons with disabilities. Lastly, regarding criminal proceedings, she asked whether measures were taken to ensure the safety and treatment of accused persons who were found by the courts to have disabilities.

The meeting was suspended at 11.55 a.m. and resumed at 12.15 p.m.

37. **Mr. Krupička** (Czech Republic) said that persons with severe disabilities could register as jobseekers if they had a medical authorization to work. Without that authorization, they could not register but were free to work if they wished. In that case, however, they worked at their own risk. It was true that few of the persons with disabilities who were eligible to register as jobseekers did so, but their reasons for not registering were very likely personal. Taking part in occupational therapy did not require registering as a jobseeker.

38. Promoting the employment of persons with disabilities in the open labour market was a priority, even though most government funding currently went to the protected labour market. In 2012, steps had been taken to address abuses in sheltered workshops, and discussions were currently under way on creating additional incentives, including wage subsidies and tax deductions, for employers to hire persons with disabilities. Specialized

personnel at employment offices had contributed greatly to employers' improved awareness of the advantages of hiring such persons.

39. **Mr. Černikovský** (Czech Republic) said that since 2005, the year the Education Act had entered into force, the Czech school system had been made steadily more inclusive. Statistics showed, for example, that the falling number of children with disabilities studying in special education programmes was accompanied by a nearly identical rise in the number of those enrolling in mainstream schools. An amendment to the Education Act, which had already made it through the Parliament, had been prepared by the Government in large part to guarantee equal access to education for all children and to define the auxiliary measures necessary to ensure that all students were given the opportunity to pursue their education, to the highest degree of attainment possible, in the mainstream school system. The auxiliary measures also applied to students in secondary and post-secondary vocational schools. The amended Act, currently awaiting the signature of the President, would enter into force in September 2016.

40. The State had spent roughly 10 million euros on inclusive education in 2014, but exact figures were not easy to come by. In any event, funding for inclusive education for the 2013–2020 programming period was expected to be greater than for previous periods. Lastly, while students who needed it were taught sign language in the school system, schools specializing in teaching students with hearing impairments also reached out to parents, offering them after-hours opportunities to learn sign language.

41. **Mr. Čulík** (Czech Republic) said that disabled persons' organizations had lobbied strongly for the establishment of an independent monitoring mechanism. The Ombudsman's Office had seemed the institution best suited to monitoring violations of the rights of persons with disabilities. Its remit had been made as broad as possible, and in fact the Convention had been studied to determine some of its particular responsibilities, including raising awareness of the Convention, visiting facilities providing services to persons with disabilities and, more broadly, verifying implementation of the provisions of the Convention. It had recently been agreed that the Office would have 10 highly qualified staff members to work on monitoring issues. He was therefore certain that it had the human resources necessary to fulfil its mandate.

42. **Ms. Mičicová** (Czech Republic) said that since 1994 the Government Committee for Persons with Disabilities had awarded an annual prize for journalism focused on disability issues. The prize, which was awarded in three categories — television, radio and the print media — was an incentive for the mass media to be vehicles for positive portrayals of people with disabilities. The awards ceremony was held every year on the International Day of Persons with Disabilities and was attended by the Prime Minister.

43. **Mr. Čulík** (Czech Republic) said that Czech public television broadcasters were required to broadcast 10 minutes of news a day in sign language. In the event of an emergency, they were required to broadcast in formats accessible to persons with disabilities.

44. **Ms. Mičicová** (Czech Republic) said that the Government Committee for Persons with Disabilities, which had been established in 1991, served as the Czech Government's coordinating and advisory body on disability issues and formulated public policy regarding persons with disabilities.

45. **Mr. Čulík** (Czech Republic) said that as the Ministry of Labour and Social Affairs had taken part in negotiations over the text of the Convention, the Government had made it the focal point for coordination of the implementation of the Convention.

46. **Ms. Brzková** (Czech Republic) said that health care in the Czech Republic was available on an equal basis to all, including deaf persons and persons with other disabilities.

Indeed, as part of a project begun in 2013, hospitals throughout the country distributed tablet computers to facilitate communication between medical personnel and their deaf patients. Interpretation was provided by an NGO. The drafters of the Health Care Act of 2001 had drawn heavily on a number of charters of patients' rights, including the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care. In addition, during their studies, medical and paramedical personnel took courses on ethics and on how to deal with people of different backgrounds. Medical training was currently being reformed. It was expected that the changes would be in place by late 2015. Lastly, she said that the Ministry of Health supported NGOs whose work focused on disabilities or rare diseases. Much of that support, awarded for some 500 projects a year, translated into efforts to educate the general public as well as families of children with disabilities.

47. **Mr. Čulík** (Czech Republic) said that, because of the benefits for which they were eligible, most persons with disabilities in the Czech Republic were above the poverty line. If they were below it, they qualified for the same welfare benefits as others in that situation. The Government was well aware, however, that most of the persons with disabilities who were not, strictly speaking, living in poverty were only slightly above the poverty line.

48. **Ms. Marksová** (Czech Republic) stressed that the open and constructive dialogue with the Committee would help the Czech Republic improve the lives of persons with disabilities. In particular, it would add momentum to efforts to make a number of necessary changes, including improved collection of statistics, greater provision of community-based services, reform of psychiatric treatment and deinstitutionalization. She noted that related legislation was currently being amended and reiterated her Government's commitment to dealing with those issues.

49. **Mr. Tatić** said that the secretariat would confirm whether additional replies to the questions that there had not been time to answer could be submitted in writing. He added that the State party could seek technical assistance from the Committee regarding the various laws in the pipeline.

50. **Mr. Araya** (Secretary of the Committee) said that, although it was not the practice of the Committee to ask for additional written replies, it could do so in exceptional circumstances. However, the replies, touching only on those questions that had not been answered during the dialogue, would have to be received by the secretariat within 24 hours.

The meeting rose at 1 p.m.